

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.12cr3533 AJB
Plaintiff,)	
v.)	PRELIMINARY ORDER OF
)	CRIMINAL FORFEITURE
ALBERTO LOERA,)	
Defendants.)	

WHEREAS, in the Superseding Information in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant, ALBERTO LOERA ("Defendant"), pursuant to 31 U.S.C. §§ 5317(c) and 5332(b)(2), as properties willfully concealed within Defendant's vehicle, and transported, transferred or attempted to transport or transfer such currency from a place within the United States to a place outside the United States, to wit, the Republic of Mexico, in violation of 31 U.S.C. § 5332(a) and (b) as charged in the Superseding Information; and

WHEREAS, on or about January 22, 2013, the Defendant pled guilty before Magistrate Judge David H. Bartick to the Superseding Information; and

///

///

1 WHEREAS, on February 5, 2013, this Court accepted Defendant's guilty plea; and

2 WHEREAS, by virtue of the facts set forth in the plea agreement, the United
3 States has established the requisite nexus between the forfeited properties and the
4 offense; and

5 WHEREAS, by virtue of said guilty plea, the United States is now entitled to
6 possession of said properties, pursuant to 31 U.S.C. §§ 5317(c) and 5332(b)(2) and Rule
7 32.2(b) of the Federal Rules of Criminal Procedure; and

8 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the
9 authority to take custody of the following property which was found forfeitable by the
10 Court, namely:

11 (1) One gold 2003 Kia Sorrento bearing California license
12 plate 6GGS147, VIN KNDJD733635049721;

13 WHEREAS, the United States, having submitted the Order herein to the Defen-
14 dant through his attorney of record, to review, and no objections having been received;

15 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

16 1. Based upon the guilty plea of the Defendant, the United States is hereby
17 authorized to take custody and control of the following asset, and all right, title and
18 interest of Defendant in the following property is hereby forfeited to the United States
19 for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §
20 853(n):

21 (1) One gold 2003 Kia Sorrento bearing California license
22 plate 6GGS147, VIN KNDJD733635049721; and

23 2. The aforementioned forfeited assets are to be held by the Customs and
24 Border Protection ("CBP") in its secure custody and control.

25 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to
26 begin proceedings consistent with any statutory requirements pertaining to ancillary
27 hearings and rights of third parties.

28 4. Pursuant to the Attorney General's authority under 21 U.S.C. § 853(n)(1),
Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules for Admi-

1 ralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall
2 publish for thirty (30) consecutive days on the Government's forfeiture website,
3 www.forfeiture.gov, notice of this Order, notice of the CBP's intent to dispose of the
4 property in such manner as the Attorney General may direct, and notice that any person,
5 other than the Defendant, having or claiming a legal interest in the above-listed forfeited
6 property must file a petition with the Court within thirty (30) days of the final publica-
7 tion of notice or of receipt of actual notice, whichever is earlier.


8 5. This notice shall state that the petition shall be for a hearing to adjudicate
9 the validity of the petitioner's alleged interest in the properties, shall be signed by the
10 petitioner under penalty of perjury, and shall set forth the nature and extent of the
11 petitioner's right, title or interest in the forfeited properties and any additional facts
12 supporting the petitioner's claim and the relief sought.

13 6. The United States may also, to the extent practicable, provide direct written
14 notice to any person known to have alleged an interest in the property that is the subject
15 of the Preliminary Order of Criminal Forfeiture.

16 7. Upon adjudication of all third-party interests, this Court will enter an
17 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will
18 be addressed.

19 IT IS SO ORDERED.

20
21 DATED: April 4, 2013

22 
23 Hon. Anthony J. Battaglia
24 U.S. District Judge
25
26
27
28